

# **EXHIBIT “B”**

## **DECLARATION OF MARIA SIMON**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

---

TONI ANN QUAGLIARIELLO, et al.,

Plaintiffs,

v.

LEONARD DiPASQUALE, et al.,

Defendants.

---

No. 3:20-CV-0699

(Judge Mariani)

**DECLARATION OF PLAINTIFF MARIA SIMON**

I, Maria Simon, an adult individual of sound mind, hereby depose and declare that:

1. I am a resident of the Commonwealth of Pennsylvania and am over 18 years old.

2. I am a named Plaintiff in the foregoing matter and am fully familiar with the facts set forth herein. I submit this Declaration in support of the application of plaintiffs Toni Ann Quagliariello, Maria Simon, and Chirstlynn Karns (collectively, "Plaintiffs") for conditional certification of a collective action pursuant to the Fair Labor Standards Act.

3. I was employed as a dancer at Leave it to Beavers (the "Club") from approximately 2013 through January 2020. There were approximately fifteen (15)

dancers employed at the Club at any given point in time during my tenure; however, the dancer turnover rate was high.

4. The Club is owned by Defendant Leonard DiPasquale (“DiPasquale”).

5. Throughout my employment, the Club was managed by Defendants Joseph Shoemaker (“Shoemaker”) and Duane Craig (“Craig”).

6. By virtue of my knowledge and experience as a dancer, and my observations of and conversations with other dancers at the Club, I have knowledge of the duties, terms and conditions of employment, and compensation of the dancers employed by Defendants during my tenure (collectively, the “Dancers”).

### **Duties**

7. As a Dancer, the primary function of my job was to dance nude on the Club’s stage.

8. When I was not dancing on the Club’s stage, I was required to walk around the Club and talk to customers, perform “lap dances” for the customers, and attempt to persuade the customers to purchase “VIP” dances, “Hot Seat” dances, and/or “Shower Shows”.

9. In addition, I was required to perform “VIP” dances, “Hot Seat” dances, and “Shower Shows” when purchased by the Club’s customers.

10. “VIP” dances were dances performed in one of a few private rooms, each with their own jukebox of music for which we were expected to pay ourselves, for a single patron for a select number of songs.

11. “Hot Seat” dances were dances performed by two dancers simultaneously with a patron on stage in a chair.

12. “Shower Shows” were dances performed in a shower that was installed by Defendants on the Stage with water and soap.

### **Terms and Conditions of Employment**

13. At all relevant times, Defendants controlled the terms and conditions of my employment at the Club, including but not limited to, the following:

a) Defendants required that I work at least two weekday shifts in order to be allowed to work the more lucrative weekend shifts (Friday and/or Saturday);

b) Defendants refused to allow me to work the weekend shift if I missed a scheduled weekday shift;

c) Defendants required that I work on holidays or for other special events the Club was promoting;

d) Defendants often pressured me to work on previously scheduled days off;

e) Defendants prohibited me from auditioning or working at any other adult nightclubs, and terminated dancers who did so;

f) Defendants prohibited Dancers from performing at customers' private events, such as bachelor parties, unless Dancers instructed the customer to schedule the event, and arrange payment for the event, through Defendants – in which case Defendants collected the customer's payment and paid the Dancer what Defendants determined to be her "share" after the performance;

g) Defendants required that I choose from one of approximately 50 "stage names" on the Club's predetermined list to use while performing at the Club;

h) Defendants required me to submit photographs of myself to them, which they posted together with my stage name, "Maria," under "The Ladies" section of the Club's website;

i) Defendants required me to pose for photographs that they posted on the Club's Facebook page;

j) Defendants set the fees that I was permitted to charge for performances at the Club, including "VIP" dances, "Hot Seat" dances, and "Shower Shows";

k) Defendants prohibited me from: (i) using lotion or oils; (ii) using my cellphone; (iii) taking breaks; and (iv) giving my phone number to a customer, or receiving a phone number from a customer;

l) Defendants required me to wear certain specified clothing while performing at the Club before becoming nude;

m) Defendants required that my shoes only be worn inside the Club, and not outside for personal use, even though I paid for the shoes myself;

n) After I had completed performing for the evening, Defendants prohibited me from changing into my “street clothes,” and required that I stay in a back room of the Club until all customers had left the building; and

o) Dancers were subjected to a punitive fine if we were not dressed in our required stage wear and ready to perform by 8:10 P.M.

14. Moreover, as a condition of my employment, I was required to join a members-only Facebook group for dancers at the Club, named “Beavers Queens of the Castle!” This group was described in the “About” section of the group page as follows: “Secret, private and most importantly this is where all messages From the Club or Other Management will Dispearsed! [sic] ONE Place, No Excuses ...”

15. The “Beavers Queens of the Castle!” Facebook group set forth ten (10) additional rules governing the terms and conditions of Dancers’ employment at the Club, titled “Group Rules from the Admins,” which included a “chain of

command.” (A true and correct copy of the “Group Rules from the Admins” is attached hereto as **Exhibit “A”**).

16. In addition to the “Group Rules from the Admins” posted on the “Beavers Queens of the Castle!” Facebook group page, Defendant Craig occasionally posted additional rules (using the pseudonym “Maddox Runner”) concerning the terms and conditions of Dancers’ employment at the Club, including “house fees” that Dancers were required to pay, and some of the punitive fines imposed on Dancers (which could be up to \$50.00 per incident, as discussed below). (True and correct copies of some of Defendant Craig’s Facebook posts are attached collectively hereto as **Exhibit “B”**).

### **Compensation**

17. I was not paid any wage by Defendants.

18. I received two forms of compensation for dancing at the Club, neither of which came from Defendants:

a) First, I received tips from customers, minus any fines and fees that Defendants required me to pay (further discussed below).

b) Second, I received a percentage of the fees customers were charged by Defendants, in Defendants’ sole discretion, for “VIP” dances, “Hot Seat” dances, or “Shower Shows” that I performed, minus any fines and fees that Defendants required me to pay (further discussed below).

19. Once Defendant Craig was hired as the Club's manager, he implemented a policy directing that "Shower Shows" occur at no charge to the Club's customers, meaning that I only earned whatever tips Defendants permitted me to keep whenever Defendant Craig ordered me to perform "Shower Shows".

20. Similarly, on occasion, Defendants held contests and raffles with "VIP" dances and "Hot Seat" dances as the prize. The winning customer was then permitted to select his dancer of choice to perform the dance for him. On occasions when I was selected by the winning customer, I was required to offer my services at no charge, and collect only whatever tips Defendants determined I was entitled to keep.

21. Defendants routinely retained a portion of the tips paid to me and other Dancers by the Club's customers:

a) During busy shifts, Defendants would "sweep" the stage of all tip currency following all performances, including regular dances, "Hot Seat" dances, and "Shower Shows." At the end of each such night, Defendants paid me my purported "share" of the tips, calculated at their sole discretion, minus any fees and fines that the Defendants claimed I owed to them.

b) In addition, Defendants also required that I pay a portion of my tips to the Club's manager on duty and security guards, regardless of how much I actually earned during the shift in question. On Tuesday and Wednesday nights, I



was required to pay \$10.00 to the Club's manager. On Thursday nights, I was required to pay \$10.00 to the Club's manager, and \$10.00 to a single security guard on duty. On Friday and Saturday nights, I was required to pay \$10.00 to the Club's manager, and \$10.00 each to two security guards on duty (\$20 total for security).

c) When I performed "Shower Shows," which were required, Defendants required me to pay them a percentage, in their sole discretion, of any tips received.

22. When I performed "VIP" dances, I was required to use my own money to pay for music on the Club's jukebox while the VIP dance was occurring.

23. I was also required to pay Defendants a \$10.00 "House Fee" for each shift that I worked.

24. Defendants also routinely issued fines and fees to me and other Dancers, ranging from \$10.00 to \$50.00, for violating the Club's policies and procedures, including, but not limited to:

- a) Taking longer than 30 minutes to get dressed;
- b) Arriving to work more than 10 minutes late;
- c) Getting dressed prior to the Club's closing; and
- d) Refusing to dance on stage when demanded by Defendants.

See Exhibit "B", p. 3.

25. All Dancers were compensated in the same way and were subjected to the same rules, fines and fees. I know this because Defendants' rules, fines, and fees were posted on Defendants' "Beavers Queens of the Castle!" Facebook group, and Dancers often complained to one another about the unreasonable terms and conditions of their employment at the Club.

26. I was never notified by Defendants that I was subject to the Fair Labor Standards Act ("FLSA"), minimum wages, or overtime pay. I never saw a notice at the Club regarding the FLSA, minimum wages, or overtime pay.

27. In fact, in or around mid-2018, during my employment, Defendant Craig presented me with an "Independent Contractors & Freelance Artists Contract." I signed the document, but did not keep a copy of it.

Pursuant to 28 U.S.C. § 1476, I declare under penalty of perjury that the foregoing is true and correct.

Executed by me this 07 day of June 2021.

BY: Maria Simon  
Maria Simon

## **EXHIBIT “A”**



## Beavers Queens Of the Castle!

### About

Secret,private and most importantly this is where all messages From the Club or Other Managment will Dispearsed! ONE Place ,No Excuses...



#### Secret group

Only members can find the group, see who's in it and what they post.



#### View Group Info



#### History

Group created on April 30, 2018.

### Group Rules from the Admins

#### 1 Cashing in ones!! ...

When your stage set is Done. Proceed to the Dressing room and Count YOUR ones in stacks of 20 please! This is imperative to the club! We will not Chase You Around or Keep having to tell you to doThis!

See More

### Members

[See All](#)





## Beavers Queens Of the Castle!

### Group Rules from the Admins

#### 1 Cashing in ones!! ...

When your stage set is Done. Proceed to the Dressing room and Count YOUR ones in stacks of 20 please! This is imperative to the club! We will not Chase You Around or Keep having to tell you to doThis!

#### 2 Stage Order. ...

Girls it is your Job to make sure your songs are in and your Ready to get on stage when it's your Turn. Work with Each other , if one is in Vip room Give a Heads up to the Next! Team Effort!

#### 3 Code Of Conduct. ...

You Should know what's expected of you and what will and what will not be Tolerated. Professional Etiquette

#### 4 Dressing room . ...

Has many purposes.Getting Dressed,Taking a Break and not feeling well.Please Do Not Take Advantage of this Privilege of Camping out in there when there is customers on the floor. 1/2hr. to get ready

#### 5 While Working. ...

At No point will and Girl hang out in the parking lot while on Duty. If she needs something out of car security will escort in





## Beavers Queens Of the Castle!

Professional Etiquette

### 4 Dressing room . ...

Has many purposes. Getting Dressed, Taking a Break and not feeling well. Please Do Not Take Advantage of this Privilege of Camping out in there when there is customers on the floor. 1/2hr. to get ready

### 5 While Working. ...

At No point will and Girl hang out in the parking lot while on Duty. If she needs something out of car security will escort in and out. No Hanging out at Club while Not Working. professional manner.

### 6 Shower Shows ...

Friday & Sat. 2 girls if the club is packed . First will ask and if noone offers up, they will be selected.

### 7 Chain of command. ...

Girls go to security, security then goes to Joe and Joe to Me. I shouldn't recieve any phone call directly without following those steps first! please

### 8 Stage Heels/shoes ...

Absolutely no Bare Feet. I prefer heels over shoes. But as in some cases I have seen in the pass some girls like to rotate between heels and sneakers. I will allow stage only shoes.







## Beavers Queens Of the Castle!

First will ask and if noone offers up, they will be selected.

### 7 Chain of command. ...

Girls go to security, security then goes to Joe and Joe to Me. I shouldn't recieve any phone call directly without following those steps first! please

### 8 Stage Heels/shoes ...

Absolutely no Bare Feet. I prefer heels over shoes. But as in some cases I have seen in the pass some girls like to rotate between heels and sneakers. I will allow stage only shoes.

### 9 Shower Shows on weekends! ...

25.00 total for Girls Doing it! It's still an option during the WEEK if a customer pays for it \$100.00 during tue,wed,thurs...for one. then it's 50/50.

### 10 Holidays Hours. ...

Managment will keep everyone posted on changes and events.

## Members

[See All](#)



Chey, Amanda and 3 other friends are members



## **EXHIBIT “B”**





6 Comments Seen by everyone



Like



Comment



**Cassandra Jones**

How about deserts? I can make pies? 😊



**Maddox Runner**

**Cassandra Jones** sure can..Don't  
Lace them!....lol



**Maddox Runner**

May 21 · 🧑🏻‍🤝‍🧑🏻

Just letting everyone know any girl that's working at the club. Their boyfriends or girlfriends are not allowed there why they are working... this saves a lot of unnecessary drama! With a few very rare exceptions...



You

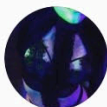
Seen by 8



Like



Comment



**Lola Jane Macucci**

May 12 · 🧑🏻‍🤝‍🧑🏻

Hey y'all I can work Thursday I am scheduled 5 nights at the restaurant. The weekend if I get out before 10 I can shoot up there for late night fiestas.

Seen by 7



1:22 PM

Beavers Queens Of th...

👍 Mariah Gigger

Seen by 5



Like



Comment

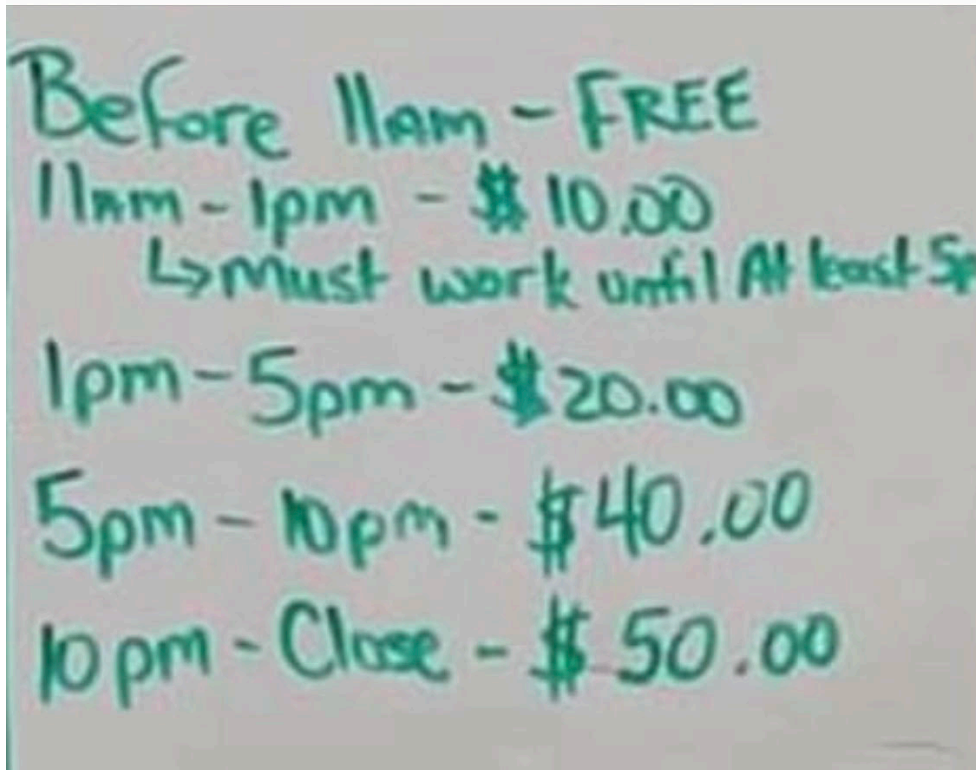


**Maddox Runner**

January 29 · 🧑



Please keep this in mind. This is from another Club. Why I say we have the lowest house fee Around.



👍 Brittany Tirado and Crystal Bloom

Seen by 5



Like



Comment





Search in Beavers Queens Of the...



ABOUT

DISCUSSION

PHOTOS

EVENTS

FILES

# FINES

\$20.00- FOR TAKING PAST 1/2HR TO GET DRESSED!  
(PREP BEFORE YOU GET THERE!)

\$20.00- ARRIVE AFTER 8:10PM WITHOUT A CALL!

\$25.00- FOR GETTING DRESSED PRIOR TO CLOSING!  
WHEN DIRECTED TO GO UP ON STAGE BY ME AND

YOU DON'T **\$50.00** FINE!

ALL FINES WILL COME DIRECTLY OUT OF VIP OR STAGE SET  
WHY?

Because someone or some people Made it like this!

Tee Aye

Seen by

Like

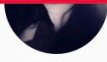
Comment







Beavers Queens Of the...

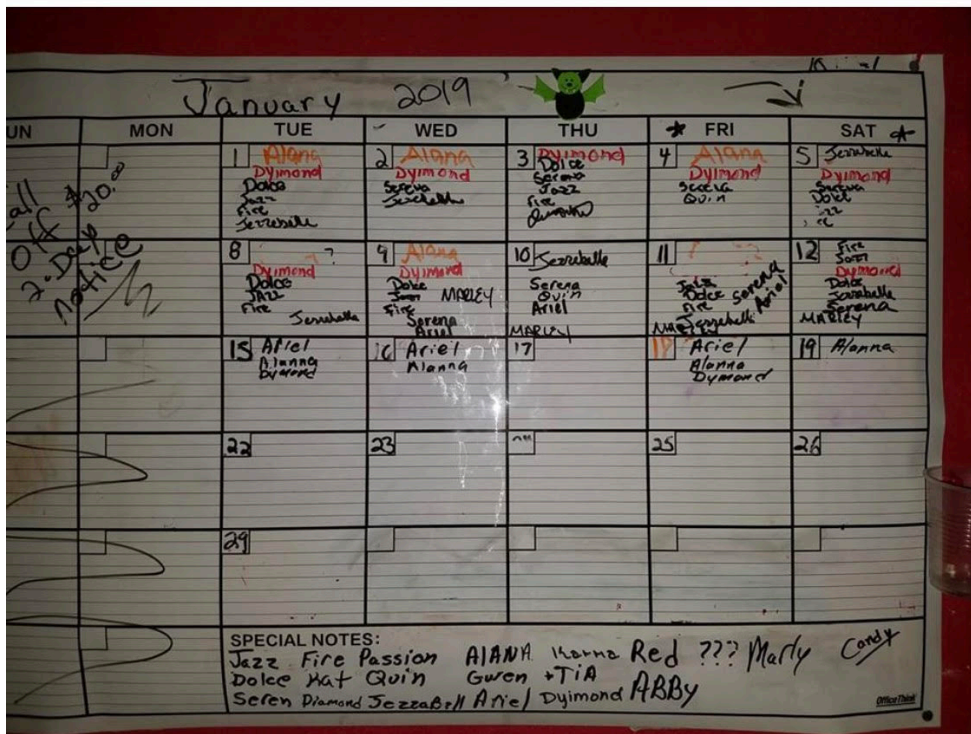


fuck you.. love it

**Maddox Runner**

January 14 · 📍

I started asking on Friday for all the girls there to get on the schedule. As you can see, not one of you did so. I Blame it on myself of being so lenient with yous. (simple things.).(except for ariel , Alanna and dymond which called and asked me to put them on...



You

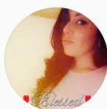
1 Comment Seen by 5



Like



Comment

**Christina Agolio**

Forgot while getting ready.. Tues, Weds,  
Thurs, Sat....

